



Compensation Study Aids Courts

BLAINE CORREN

A recently completed statewide study should help the courts make their employee classification systems and salary structures more consistent.

With the enactment of the Trial Court Employment Protection and Governance Act (Sen. Bill 2140), each superior court became an independent employer, responsible for regulating its own classification and compensation programs. However, a lack of a statewide focus in classification and pay programs has resulted in large disparities among courts.

To address the disparities, the Administrative Office of the Courts' (AOC) Human Resources Division developed the Trial Court Classification and Compensation Study. The study updates the Uniform Model Classification Plan and provides court admin-

istrators with a model that they may use to establish consistency with one another's classification plans and set market-based salary ranges for their courts.

The AOC anticipates that the study will help local courts attract and retain employees by offering regular updates that keep up with trends in the labor market. As a management tool, it provides court executives with a context for making classification and compensation decisions.

STUDY PROCEDURE

The AOC's Human Resources Division began the study in mid-2001. As an initial step, it established the Trial Court Classification and Compensation Study Oversight Committee, made up of representatives from the courts. Human Resources Division staff also enlisted the help of Watson Wyatt, a consulting firm specializing in compensation and benefits design and development.

The Watson Wyatt firm pulled data from 11 different salary surveys, which showed actual salaries paid for benchmark positions that are typical in organizations across the country. They selected surveys that included organizations with labor pools and workforces similar to those of the courts in California.

Once a national median salary was determined for each benchmark position, the data were geographically "localized"

to determine the relative relationship of California salaries to the national averages. The model also recognizes, to the extent possible, that the costs of labor differ among counties and that this may change over time.

On June 19 the AOC's Human Resources Division sent to all superior court executive officers and human resources liaisons, for their review and comment, a proposal for the establishment of four market-based salary regions in the state. This proposal included an explanation of the Watson Wyatt methodology used to establish salary ranges for the benchmark trial court jobs.

Subsequently, based on the courts' feedback and recommendations, the AOC made several adjustments to the original proposal and sent it, along with the market-based salary ranges for each region, to court executives. Human Resources Division staff then contacted each executive to discuss how he or she might use the tools provided and to answer any questions.

SATELLITE BROADCAST

On July 29 the AOC's Human Resources Division presented a satellite broadcast on AOC-TV to detail the results of and uses for the study.

The broadcast provided an overview of the development of the study's recommendations and a walk-through demonstra-



AOC Human Resources Director Susan Hough (center) is joined by AOC Senior Manager Nancy Polis (left) and Superior Court of Sutter County Executive Officer Len LeTellier in an AOC-TV satellite broadcast summarizing the results and uses of the landmark Trial Court Classification and Compensation Study.

tion of the use of the study's tools. Viewers had an opportunity to ask questions of panel members who had been directly involved in the study and in developing the proposed market-based regions and salary ranges. The broadcast also addressed some common concerns about how the study results fit into the process for fiscal year 2003-2004 pay parity requests.

● To receive a copy of the satellite broadcast or to obtain more information on the study, contact Jim Whitsett, Senior Analyst in the AOC's Human Resources Division, 415-865-4269; e-mail: jim.whitsett@jud.ca.gov. ■

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Judicial Council Gets Ten New Members

The Judicial Council has welcomed 10 new members—5 judges, 1 court commissioner, 2 court executive officers, and 2 attorneys.

Chief Justice Ronald M. George appointed 7 members, and the Board of Governors of the California State Bar named the 2 attorneys. These 9 members will serve three-year terms starting September 15, 2002, with the exception of one of the court administrators, who will finish the unexpired two-year term of her predecessor. The 10th member, the incoming president of the California Judges Association, begins a one-year term as an advisory member of the council in October 2002.

CHIEF JUSTICE'S APPOINTMENTS

Presiding Justice Laurence Donald Kay of the Court of

Appeal, First Appellate District, Division Four, succeeds Justice Richard D. Aldrich of the Court of Appeal, Second Appellate District, Division Three. Presiding Justice Kay currently serves on the Judicial Council's Probate and Mental Health Advisory Committee and chairs its Rules Subcommittee. He has taught many judicial education courses sponsored by the Center for Judicial Education and Research (CJER) and the California Judges Association. He has taught on criminal law sentencing, probate and trusts, and the use of computers by judges. Before his appointment to the Court of Appeal, Presiding Justice Kay served in the San Francisco County superior and municipal courts for 19 years.

Presiding Judge Eric L. Du Temple of the Superior Court of Tuolumne County suc-



The new members of the Judicial Council are (clockwise from top left): Judge Gregory C. O'Brien, Jr.; Attorney David J. Pasternak; Presiding Judge Eric L. Du Temple; Judge Jack Komar; Presiding Justice Laurence Donald Kay; Judge Heather D. Morse; Commissioner Patricia H. Wong; Executive Officer Tressa S. Kentner; Executive Officer Susan Null; and County Counsel Ann Miller Ravel. *Photo: Jennifer Cheek Pantaleon*

ceeds Judge Donna J. Hitchens of the Superior Court of San Francisco County. Presiding Judge Du Temple has served on the superior court bench since 1991 and as the court's presiding judge since 1999. During his 14-year tenure as the county's district attorney, he established

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Day of Remembrance



Courts throughout the state commemorated September 11 in many different ways—including observing a moment of silence, distributing red-white-and-blue ribbons to employees, and participating in local remembrance ceremonies. In San Francisco, state and federal workers gathered on the plaza of the Phillip Burton Federal Building to honor the victims of last year's terrorist attacks. California Chief Justice Ronald M. George, United States Chief Judge Marilyn Patel, and U.S. General Services Administration Regional Administrator Peter G. Stamison addressed the noontime gathering. *Photo: Sherri Eng*

REMARKS BY CHIEF JUSTICE RONALD M. GEORGE

One year ago today, Americans—along with the entire world—were transfixed before television screens, watching as scenes of airplane collisions, conflagrations, structural collapses, and devastation followed one upon another. We mourned with those who had lost family, friends, and loved ones. We deeply felt the need for speedy justice to be administered to the persons responsible for these terrible deeds. And by the end of that day, we felt drained and apprehensive about what lay ahead for ourselves, our families, and our friends—and for our state, nation, and world.

During the days that followed the terrorist attacks on the World Trade Center and the Pentagon, and the thwarted efforts of the hijackers of the plane that crashed in Pennsylvania, we were reminded of our nation's strengths as well as our vulnerabilities. In the aftermath of this tragedy, our greatest challenge has been to not surrender to despair, unfocused hatred, or blind fear, but instead to rely on our resilience and on the rule of law. Fortunately, thus far we have been successful in meeting that challenge.

The values that we espouse as Americans are more than simple catch-phrases, and they must remain vibrant and alive in our national consciousness in order to endure.

Today offers us an opportunity to reflect together on the events of September 11, 2001, and the past year—and on what lies ahead and where we should set our goals. By now, we have learned the names and seen the faces of the victims, both living and dead. We have heard and been heartened by innumerable stories of the bravery and strength of ordinary individuals. And we have begun to find our way in a world that in many ways

seems radically transformed from the one in which we lived on September 10 of last year, and yet is essentially unchanged.

We are in a period of adjustment that is likely to continue for many years. Not every terrorist has been found, nor every hazard uncovered or resolved. Moreover, we are faced not only with threats to our physical or psychological well-being but also

with challenges to the very foundations of our democratic system of government.

We deservedly should be proud that the overwhelming reaction to the crisis that engulfed our nation was neither panic nor chaos. Instead our response has demonstrated the fundamental solidity of our society and its core principles, particularly its commitment to undertake a quest for justice conducted in accordance with the rule of law.

Adhering to the rule of law

consciousness in order to endure.

The phrase “the rule of law” implies conduct governed not by caprice or visceral reaction, but instead by carefully considered rules, thoughtfully adopted, with an eye toward more permanent values.

This is not merely a matter of theoretical concern. A recent article in the *San Francisco Chronicle* reported that a poll of Americans revealed that almost half of the respondents now believe that the constitutional right to free

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speech under the First Amendment goes too far. Earlier polls have revealed similar doubts, but the number of those who may be counted as skeptics has increased since September 11.

Another recent poll conducted by National Public Radio and the Kennedy School of Government at Harvard suggested the opposite—that after the initial shock Americans are beginning to place greater emphasis on ensuring the strength of our civil liberties. Clearly, the role of

civil liberties in our society is a vital subject of concern and attention, and it is incumbent upon each of us to thoughtfully consider the balance between our freedoms and our need to protect ourselves.

The challenging times we face require that we all be actively engaged in preserving the principles and the process that have permitted our nation to achieve its greatness. We must be

vigilant to ensure that we do not become complacent about the strength and primacy of these values in our society—and their relevance in our relationship with the rest of the world.

In times of crisis and stress, the pressure to make exceptions or major revisions to core principles in order to respond to urgent needs can become almost overwhelming. Resisting that temptation is often difficult but yet essential. In the final analysis, selectively applying individual laws—even in the pursuit of important and immediate objectives—neither honors nor sustains the rule of law. Our basic freedoms cannot be preserved by limiting them, even in times of great challenge.

The vigor of our nation and the strength of its commitment to freedom are reflected in the current continuing dialogue about the application of the rule of law to the changed circumstances of the past year. Although not all the issues have been settled and there may be many who disagree about some of the conclusions that are ultimately drawn, each of us has a vital role to play.

As Americans, we owe close and careful attention to what we ask of government and how our government responds. And many of us gathered here today work in positions in which supporting the rule of law is more than an abstraction—instead it is part of our job description and daily routine. As someone who has been in public service my entire

career, I can state that the events of the past year have only reinforced my belief that serving the public is both an extraordinary opportunity and a unique honor.

It is true that in one way or another, we all have been wounded by the events of last September 11. But we also have been reminded of how much we have to be proud of and how much we have to be thankful for—both as individuals and as a society. None of us can be complacent. None of us should assume that our freedoms are guaranteed. All of us, however, can affect how our future course is charted.

I am pleased to have the opportunity to speak with you today. Despite the challenges the future will bring, I am confident that together we shall ensure that the rule of law and the principles of our nation remain strong and certain. In protecting this legacy, we shall truly honor those whom we lost one year ago today, as well as those whose dedicated service will continue to protect our freedoms as we move ahead. ■

Judicial Council Action

Council Approves Court Budgets

At its August 30 meeting, the Judicial Council approved a proposed fiscal year 2003–2004 budget for state superior courts that would fund essential public services, including court interpreters, family and children’s programs, security, and other core programs previously provided by county governments.

“The proposed budget approved today carefully balances the critical operating needs of the courts with the difficult realities of the state’s current economic situation,” said Chief Justice Ronald M. George, chair of the council. “While many important and innovative programs have been set aside during this budget cycle, I remain confident that the courts will receive sufficient funding so they can continue to provide essential services to the people of California.”

The council voted to approve a \$122.797 million increase in the spending plan for superior courts in fiscal year 2003–2004, representing a 5.7 percent increase over the current fiscal baseline budget of \$2.2 billion. Overall, the council approved a \$132 million budget increase for the state’s entire judicial branch—including superior and appellate courts, the Judicial Council and Administrative Office of the Courts, and the Habeas Corpus Resource Center.

This proposed increase would bring the state’s judicial branch budget for fiscal year 2003–2004 to \$2.65 billion, less than 3 percent of California’s total state budget of \$99 billion.

BUDGET SPECIFICS

Breaking down the 2003–2004 budget, the council:

□ Proposed a budget increase of \$122.797 million for the superior courts, including one-time costs of \$2.992 million. The budget increase includes funding for mandated programs—such as court interpreters, family and children’s programs, security, and other core programs previously provided by county governments—as well as negotiated salary increases for court employees.

□ Proposed a budget increase of \$847,000 for the Supreme Court and the California Judicial Center Library. This increase includes \$84,000 in one-time costs and reflects a mandated expansion of the capital case habeas corpus staff as well as price increases for subscriptions and books for the Supreme Court.

□ Proposed a budget increase of \$744,000 for the six Courts of Appeal, including one-time costs of \$623,000 for court security.

□ Proposed a budget increase for the Judicial Council and Administrative Office of the Courts of \$7.772 million, including one-time costs of \$623,000. This increase primarily reflects the need to assist the trial courts in legal and fiscal services, human resources, technology, and other programs previously provided by the counties.

SUBORDINATE JUDICIAL OFFICERS

At its meeting, the council directed AOC staff to prepare an implementation plan for substantive and structural changes in the duties and titles of subordinate judicial officers (SJOs).

This action follows a statewide report received by the council from the Subordinate Judicial Officers Working Group. The report reviews four areas of law—criminal, family, juvenile, and civil—and recommends duties that are appropriate for delegation to SJOs. It also recommends

changes designed to bring uniformity and clarity to an area of law described in at least 35 statutes dispersed among 6 different legal codes.

In its report the working group recommends that:

□ The nine types of SJOs be consolidated into one general type, establishing a single SJO title;

□ The many statutes designating subordinate judicial duties be consolidated into one cohesive statutory scheme;

□ Matters in criminal cases that can result in a custodial sentence be clearly distinguished from those that cannot, and that only the latter be delegated to SJOs;

□ Adjudication of nearly all family and juvenile matters be considered a core judicial duty that should be performed by judges; and

□ Adjudication of contested civil matters and civil matters involving serious, complex, and diverse factual and legal issues be performed by judges rather than SJOs.

In addition to these recommendations, the report suggests that courts consider directing judges to hear many of the matters currently within the authority of juvenile referees. However, the report does not recommend that courts be prohibited from

Ten-year salute



At the Judicial Council’s August 30 meeting, Chief Justice Ronald M. George (right) presented William C. Vickrey with a plaque commemorating his 10th anniversary as Administrative Director of the Courts. During Mr. Vickrey’s tenure, he has guided the California courts through two state budget crises and two of the greatest reforms in the 150-year history of California’s judicial system—state funding of the trial courts and trial court unification. Chief Justice George added that Mr. Vickrey’s “vision, energy, and talents have been an integral part of this remarkable transition.”

exercising their current authority to assign SJOs as temporary judges.

The report is available online at www.courtinfo.ca.gov/reference/documents/sjowgfinal.pdf. ■

New Policy for Assigned Judges

Chief Justice Ronald M. George announced that, effective January 1, 2003, retired judges who wish to serve on assignment in state trial and appellate courts will not be permitted to engage in private dispute resolution for compensation. In fiscal year 2001–2002, assigned judges provided more than 32,600 days of assistance to the courts—the equivalent of approximately 130 judicial positions.

The intent of the new policy, announced in July, is to avoid any public perception of a potential conflict of interest created by a judge sitting on assignment in the public courts and concurrently providing private services to litigants for a fee. The new policy also is meant to ensure that those serving in the Assigned Judges Program can give their full attention to their court assignments.

BACKGROUND

Pursuant to the California Constitution, the Chief Justice has the

authority to assign sitting and retired judges to assist the courts in response to vacancies, illnesses, disqualification of judges, and calendar congestion. The Administrative Office of the Courts (AOC), on behalf of the Chief Justice, receives 350 to 450 requests for these judges each month.

Previous guidelines for the Assigned Judges Program disallowed a judge serving on assignment to engage in private dispute resolution on any day of his or her assignment or to use any court resources for such activities. But in July, after a thorough review of the existing policies, the Chief Justice decided to adopt a new policy under which a judge may not engage in private dispute resolution activities during his or her entire tenure in the Assigned Judges Program.

NEW POLICIES

The new guidelines for judicial assignments in the Assigned Judges Program dictate that:

□ Effective January 1,

2003, no retired judge may participate in compensated private dispute resolution during his or her tenure in the Assigned Judges Program;

□ During the annual program application and renewal process and prior to December 31, each judge will be asked to agree in writing to comply with this restriction for the upcoming calendar year;

□ Involvement in compensated private dispute resolution activities during tenure in the program will result in immediate removal from the program;

□ A judge removed from the Assigned Judges Program for noncompliance with this policy may reapply to the program one year after he or she has ceased engaging in any activity related to compensated private dispute resolution; and

□ Individual transitional issues may be raised in a written request to the AOC’s Judicial Assignments Unit for consideration by the Chief Justice.

To provide information about the new policies, the Judicial Assignments Unit is developing a list of answers to frequently asked questions.

● For more information, contact Marcia Taylor, Managing Attorney, AOC Appellate and Trial Court Judicial Services, 415-865-4225; e-mail: marcia.taylor@jud.ca.gov, or Brad Campbell, AOC Supervising Analyst, 415-865-7638; e-mail: brad.campbell@jud.ca.gov. ■

Numbers on Assigned Judges Program

Fiscal Year	Days of Assistance	Judicial Position
	Provided	Equivalent
2000–2001	32,482	130
1999–2000	29,477	118
1998–1999	26,125	105
1997–1998	29,010	116
1996–1997	27,107	108

Source: Administrative Office of the Courts